IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 23539 of 2004

Between:

K. Ram Reddy S/o Ramana Reddy

Aged about 38 years, H.No.8-72/9, Occ:Driver,
H. No. 8-72/9, R/o Nalgonda District

..... PETITIONER

AND

1 The Regional Manager, A.P. State Road Transport Corporation,

Nalgonda Region, Nalgonda District
2 The Depot Manager, A.P State Road Transport Corporation, Nalgonda,

Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs order or direction declaring the order dt 14-5-2004 in proc. NO. P1/781 (2)2004-NLG on the file of the 2nd respondent, as illegal arbitrary, unjust without jurisdiction, violative of principles of natural justice and violative of Arts. 14 16 & 21 of the Constitution of India award costs and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

Challenging the action of the 2nd respondent in deleting the name of the petitioner from the selection list through proceedings dated 14.05.2004, the present writ petition is filed.

The petitioner worked as a Driver in the respondent Corporation. He was selected as a Driver in the year 1999 through the selection committee.

The petitioner contends that he fell sick and could not attend his duties in the 1st week of March and last week of April, 2004 and he informed the same to the Depot authorities. During the period of strike of the regular employees on 15.04.2004 and 16.04.2004 the petitioner was directed to report to duty, but due to lack of information he did not report to duty. Subsequently, when he reported to duty, he was informed that his name was deleted from the selection list without issuing charge sheet or show cause notice. The 2nd respondent passed an order on 14.05.2004 deleting the name of the petitioner from the approved list of selected candidates. Hence the present writ petition is filed.

It is not in dispute that the petitioner was selected on the basis of regular selection. His services were being utilized as casual Drivers as and when required. The petitioner contends that he did not receive any notice or charge memo and later came to know that his name was deleted from the list of selected candidates.

Under the similar circumstances, a Division Bench of this Court gave a judgment on 29.08.2003 in Writ Appeal No.1259 of 2003, upholding the order of the learned single Judge who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board. In the present case also, if the Corporation comes to a conclusion that non-reporting to duty amounts to dereliction of duty, the Corporation is at liberty to initiate action against the petitioner and after a detailed inquiry, may pass

appropriate orders according to Rules, but, without giving any opportunity, removing the name of the petitioner from the list of selected candidates is against the principles of natural justice. The action of the 2nd respondent in removing the name of the petitioner from the list of selected candidates is arbitrary. Therefore, such action is liable to be corrected by directing the respondents to restore the name of the petitioner to the selection list.

In the light of the above circumstances, the action of the respondents in deleting the name of the petitioner from the list of selected candidates is quashed. The respondents are directed to restore the name of the petitioner into the list of selected candidates and continue to engage him as he used
to be engaged previously till an action, if any, taken by the respondents for the absence of the petitioner and the punishment, if any, going to be imposed.

With the above said observations, the Writ Petition is allowed. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager,

APSRTC, Nalgonda Region,

Nalgonda District

2. The Depot Manager,

APSRTC, Nalgonda,

Nalgonda District

3. Two CD copies.